Global Speech Norms and American Free Expression: The Hidden Influence of International Agreements on U.S. Tech and Policy

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In an increasingly interconnected world, global regulations and international agreements are shaping the way speech is governed in digital spaces, often in ways that conflict with U.S. free expression protections. While the First Amendment guarantees broad speech rights, multinational tech corporations, AI-driven content moderation, and international policy frameworks are subtly reshaping the landscape of what can and cannot be said online. Agreements such as the International Covenant on Civil and Political Rights (ICCPR), the EU's Digital Services Act (DSA), and the 60-nation AI accord create global speech norms that pressure American companies to comply with foreign restrictions, even if they contradict constitutional protections. This paper explores how global speech governance is eroding U.S. free speech principles, how AI-driven moderation tools enforce foreign-style censorship, and what political, legal, and legislative efforts are underway to safeguard First Amendment rights against this growing regulatory creep. As the battle for digital free speech intensifies, the future of American expression in the AI age will depend on how the U.S. navigates the global push for speech control.

Keywords: free speech, First Amendment, international agreements, AI governance, digital censorship, content moderation, multinational tech companies, Digital Services Act, ICCPR, CERD, AI-driven speech regulation, global speech norms, misinformation laws, political resistance, U.S. speech policy, AI ethics, algorithmic censorship, legal safeguards, legislative protections, digital sovereignty.

I. Introduction

Brief History of U.S. Free Speech Protections Under the First Amendment

The First Amendment to the U.S. Constitution, ratified in 1791, establishes freedom of speech as a fundamental right, prohibiting the government from restricting expression, except in narrowly defined cases. The U.S. Supreme Court has historically upheld broad protections for speech, recognizing that political, religious, and controversial expression must be shielded from government interference to maintain a free and democratic society.

Throughout history, legal precedents have defined and refined the boundaries of protected vs. unprotected speech:

- Schenck v. United States (1919): Established the "clear and present danger" test, allowing speech restrictions only when it incites imminent harm.
- Brandenburg v. Ohio (1969): Refined the standard, ruling that speech can only be restricted if it directly incites lawless action.
- New York Times Co. v. Sullivan (1964): Strengthened press freedom by making it difficult to sue for defamation, ensuring robust public debate.
- Texas v. Johnson (1989): Protected symbolic speech, such as flag burning, affirming that offensive expression is still protected.

Unlike many other nations, the U.S. has consistently resisted laws against hate speech, blasphemy, or offensive political opinions, adhering to the principle that the best response to bad speech is more speech, not censorship.

However, the rise of the internet, artificial intelligence (AI), and digital content moderation has created new challenges. While the First Amendment applies to government censorship, private entities—especially multinational corporations—are shaping the modern public square by determining what content remains visible online. This raises concerns about whether global speech norms, influenced by international agreements, could override traditional American free speech values through indirect means.

Overview of International Agreements Influencing Speech Regulation

While the United States has never signed a treaty that directly limits free speech, it has joined several international agreements that set global norms on speech-related policies. These agreements, often framed around "safety, ethics, and inclusion," risk creating a framework for speech control under human rights, misinformation, or public order justifications.

Some of the most influential international agreements include:

1. International Covenant on Civil and Political Rights (ICCPR) – UN Treaty (Ratified by the U.S. in 1992)
    - While Article 19 recognizes free speech, it also allows restrictions "for respect of the rights or reputations of others" and "for the protection of national security, public order, public health, or morals."
    - The U.S. signed with a reservation, asserting that it would not adopt any speech restrictions beyond those allowed under the First Amendment.
2. Convention on the Elimination of All Forms of Racial Discrimination (CERD) – UN Treaty (Ratified by the U.S. in 1994)
    - Requires signatories to criminalize hate speech and racial propaganda.
    - The U.S. included a reservation to preserve First Amendment protections, declining to adopt laws that would restrict offensive but legal speech.
3. The Budapest Convention on Cybercrime (Signed 2001, Ratified 2006)
    - Aims to combat cybercrime, hacking, and fraud, but also includes provisions for curbing online extremist content.
    - Some nations interpret these provisions as justification for expanded speech restrictions under the guise of cybersecurity.

4. The Christchurch Call to Action (Signed 2019)
    - Developed after the 2019 Christchurch terrorist attack in New Zealand, this agreement seeks to prevent online extremist content from spreading.
    - While the U.S. signed on, it did not commit to new legal restrictions, leaving participation largely voluntary for tech companies.

These agreements highlight a growing divergence between the U.S. constitutional free speech framework and global trends favoring speech regulation, particularly in Europe and international organizations like the United Nations and the European Union.

Why Global AI Governance and Digital Policies Are Raising New Concerns

The rise of artificial intelligence has created an unprecedented opportunity for governments and corporations to regulate speech at scale, influencing the way information is created, curated, and distributed. Global AI policies increasingly focus on concepts such as:

- "Trustworthy AI" and misinformation controls – Often used as justification for content moderation and censorship.
- "Ethical and inclusive AI" – A broad term that can result in algorithmic suppression of dissenting political or cultural viewpoints.
- "AI safety and security" – Can be weaponized to restrict controversial discussions, not just harmful activity.

A clear example of this trend is the 60-nation AI agreement that the U.S. refused to sign at the 2025 Paris AI Summit. This agreement called for:

- AI to be “safe, inclusive, transparent, and ethical.”
- Protections for human rights, gender equality, and consumer rights.
- Prevention of "harmful" or "misleading" content.

While these principles sound reasonable, they leave room for governments and corporations to impose speech controls through AI algorithms, potentially forcing

American tech firms to comply with foreign-style censorship to operate internationally.

This issue is exacerbated by multinational corporations like Google, Facebook, and OpenAI, which often align with European and international content standards instead of First Amendment principles. The European Union's Digital Services Act (DSA), for instance, has forced U.S. tech companies to implement stricter content moderation policies, limiting speech that remains legal in the United States.

As AI becomes the gatekeeper of digital communication, concerns arise that:

1. Free speech protections will be eroded through corporate compliance rather than direct government censorship.
2. AI models trained under global regulatory frameworks will suppress "controversial" speech, including political dissent.
3. U.S. companies will face increasing pressure to conform to European-style content laws, overriding First Amendment norms.

The Trump administration's rejection of the AI agreement and JD Vance's strong stance at the Paris Summit reflect growing fears that global AI governance efforts could indirectly curtail U.S. free speech rights.

This paper will explore how international speech norms—whether through treaties, AI regulations, or digital content laws—are influencing America's historically strong free speech protections, often through corporate self-censorship and global regulatory pressure rather than direct legal mandates.

II. The First Amendment and U.S. Speech Protections

Historical Context of Free Speech in the U.S.

The First Amendment to the U.S. Constitution, ratified in 1791, establishes freedom of speech as one of the foundational principles of American democracy. It states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the

press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This explicit protection of free expression reflects the Founding Fathers' deep distrust of government censorship, influenced by:

- English Common Law, where seditious speech and criticism of the monarchy were harshly punished.
- The Enlightenment, particularly the writings of John Locke and Voltaire, which emphasized the importance of free expression in protecting individual liberty.
- Colonial America's experience with British censorship, including the use of licensing laws to suppress opposition to the Crown.

Over the centuries, the U.S. Supreme Court has refined the boundaries of free speech, recognizing very few exceptions where speech may be restricted. Unlike many other nations, America does not recognize broad categories of prohibited speech, such as hate speech laws or laws against offensive political statements. Instead, U.S. courts operate under the assumption that more speech—not less—is the solution to controversial expression.

Strict Limitations on Government Censorship

The First Amendment applies only to government action, meaning that private entities (such as corporations, universities, or social media platforms) are not legally bound to uphold free speech protections. However, government restrictions on speech are subject to strict scrutiny, and only a few categories of speech can be legally restricted, such as:

1. Incitement to Violence or Imminent Lawless Action
    - Brandenburg v. Ohio (1969) established that speech can only be restricted if it directly incites immediate unlawful action.
    - This standard prevents broad speech bans on political activism, protests, or radical ideas.

2. True Threats and Harassment
    - Speech that constitutes a direct threat of violence or targeted harassment can be punished.
    - However, vague or offensive statements do not meet this threshold.
3. Obscenity (Limited Scope)
    - The Miller Test from Miller v. California (1973) allows restrictions on speech that is sexually explicit and lacks artistic, literary, or scientific value.
    - However, this test is narrow, and most controversial speech remains protected.
4. Defamation and Libel
    - False statements that damage a person's reputation can be legally challenged.
    - However, New York Times Co. v. Sullivan (1964) set a high bar for public figures to prove defamation, ensuring a free press and open political debate.

Unlike many countries, the U.S. does not criminalize "hate speech" or speech deemed offensive. The Supreme Court has repeatedly ruled that offensive or politically incorrect speech is still protected, including:

- Nazis marching in Skokie, Illinois (National Socialist Party v. Skokie, 1977)
- Flag burning as political protest (Texas v. Johnson, 1989)
- Anti-government rhetoric (United States v. Alvarez, 2012)

These decisions reinforce the principle that the government cannot suppress speech simply because it is controversial, offensive, or unpopular.

How U.S. Law Differs From European and International Speech Norms

While the United States has a strict free speech standard, other democratic nations balance free expression with government-imposed speech regulations, particularly regarding:

- Hate speech laws
- Misinformation and disinformation laws
- "Public order" restrictions on speech

1. European Union (EU) and Speech Restrictions

Many European nations criminalize hate speech, Holocaust denial, and offensive political statements, operating under the belief that protecting social harmony outweighs absolute free speech.

- Germany: Enforces strict hate speech laws under Section 130 of the German Criminal Code, criminalizing speech that "incites hatred" against groups based on race, religion, or ethnicity.
- France: Criminalizes denying the Holocaust, under Gayssot Law (1990).
- United Kingdom: Has broad public order laws criminalizing speech deemed likely to cause "harassment, alarm, or distress."

Additionally, the EU's Digital Services Act (DSA) mandates content moderation on tech platforms, compelling companies like Google, Facebook, and Twitter to remove "illegal" speech in EU jurisdictions, even when that speech remains legal in the United States.

2. Canada and Hate Speech Laws

- Canada's Criminal Code Section 319 outlaws "public incitement of hatred."
- The Canadian Human Rights Act previously penalized speech deemed to expose groups to "hatred or contempt," though this provision was repealed in 2013.
- Canadian law allows the government to fine or prosecute individuals for "harmful speech," a stark contrast to U.S. legal traditions.

3. United Nations and Global Speech Norms

International treaties often promote "balanced speech rights," arguing that speech should be limited to prevent harm:

- The International Covenant on Civil and Political Rights (ICCPR) allows speech restrictions for public order, national security, and morality.
- The United Nations Human Rights Committee has pressured the U.S. to adopt "stronger anti-hate speech laws."

These differences in speech regulation create conflicts when global organizations or multinational tech companies attempt to apply international norms to U.S. speech protections.

4. The Growing Influence of Global Speech Norms on U.S. Tech

While the U.S. Constitution prevents direct government censorship, private companies—especially those with international operations—often align their policies with foreign legal standards. This has led to:

- Content removal on American platforms based on European or UN guidelines.
- Corporate self-censorship in response to international pressure.
- AI-driven content moderation that reflects European-style restrictions rather than First Amendment protections.

For example:

- Twitter (now X) and Facebook comply with German hate speech takedown laws.
- YouTube demonetizes content based on global "misinformation" standards.
- Google search results in the EU comply with "right to be forgotten" laws, removing legally protected speech in the U.S. from search listings in Europe.

These examples show that while the U.S. does not directly restrict speech, international speech norms are increasingly influencing American digital

platforms. This raises concerns that free speech protections are being eroded through indirect means, even if the First Amendment remains legally intact.

Conclusion of Section II

The United States has historically upheld strong free speech protections, limiting government censorship to only the most extreme cases (incitement, threats, defamation, and obscenity). However, international norms on speech—especially from Europe and the UN—favor balancing free expression with restrictions aimed at maintaining social harmony.

As AI-powered content moderation and global digital governance efforts expand, American free speech values face growing external pressures. While the First Amendment remains intact, corporate self-censorship and compliance with foreign regulations could ultimately shape how speech is moderated in the digital age, potentially undermining the U.S. commitment to free and open discourse.

III. International Agreements and Their Free Speech Implications

Although the United States has never signed an international agreement that explicitly overrides its First Amendment protections, it has joined or engaged with several global treaties and frameworks that influence speech regulation. These agreements, often crafted under the guise of human rights, security, or ethics, establish international norms that, while not legally binding within the U.S., can still shape corporate policies and influence digital content moderation.

Each of the following agreements has significant implications for free speech, particularly as the world shifts toward AI-driven content control and digital governance.

A. United Nations' ICCPR (International Covenant on Civil and Political Rights)

Recognizes Free Speech but Allows "Necessary Restrictions"

Adopted in 1966 and ratified by the United States in 1992, the ICCPR is a major United Nations treaty that establishes global standards for civil liberties and

human rights. Article 19 of the ICCPR protects freedom of expression, but it also allows governments to restrict speech under broad conditions:

- Article 19(3) states that speech may be limited for reasons such as:
    - Protecting "the rights or reputations of others."
    - Safeguarding "national security, public order, or public health and morals."

While these restrictions appear reasonable, they create loopholes that many nations exploit to criminalize dissent, suppress political opposition, or restrict religious expression. For instance:

- China justifies its strict censorship laws by citing national security concerns under ICCPR principles.
- European countries use "public order" provisions to enforce hate speech laws that criminalize politically controversial opinions.

U.S. Ratification with a Reservation Against Speech Limitations

The U.S. ratified the ICCPR in 1992 but included a reservation stating that it would not adopt any provisions that violate the First Amendment. This means:

- The U.S. is not obligated to implement hate speech laws or speech restrictions based on public order or national security concerns.
- However, international bodies like the United Nations Human Rights Committee have pressured the U.S. to adopt stronger hate speech laws in line with the ICCPR.

While the U.S. maintains its constitutional speech protections, the ICCPR has influenced corporate and digital governance, particularly among big tech companies that operate internationally. These companies self-regulate speech based on global norms, sometimes aligning more with international law than the U.S. First Amendment.

B. United Nations' CERD (Convention on the Elimination of All Forms of Racial Discrimination)

Requires Signatories to Criminalize "Hate Speech"

The CERD, adopted in 1965 and ratified by the U.S. in 1994, is an international treaty designed to combat racial discrimination and hate speech. Article 4 of the CERD requires nations to:

- Ban and criminalize speech that "incites racial hatred or promotes racial superiority."
- Prohibit organizations that promote racially discriminatory ideologies.
- Punish individuals who spread hate speech through media or political discourse.

While the intent behind CERD is to prevent racial violence, the language is broad enough to be interpreted as justifying censorship of controversial but legal speech. Many countries have used CERD to:

- Enforce blasphemy laws that criminalize criticism of religious ideologies.
- Suppress political dissent by labeling certain viewpoints as "hateful."

U.S. Ratification with First Amendment Safeguards

Recognizing the conflict between CERD and U.S. free speech principles, the U.S. included a reservation stating:

- The U.S. would not implement any provisions that violate the First Amendment.
- Hate speech is protected in the U.S. unless it directly incites violence or immediate lawless action.

However, international groups and human rights organizations frequently urge the U.S. to repeal its First Amendment protections for so-called "dangerous speech", citing CERD as justification.

The influence of CERD is evident in how digital platforms moderate content:

- Facebook, Twitter (X), and YouTube have adopted hate speech policies that go beyond U.S. law, often aligning with CERD principles.
- Tech companies face pressure to follow international hate speech laws rather than the First Amendment, impacting users in the U.S. and abroad.

C. The Budapest Convention on Cybercrime

Designed to Combat Cyber Fraud and Hacking

The Budapest Convention, adopted in 2001 and ratified by the U.S. in 2006, is a cybercrime treaty that aims to:

- Prevent hacking, fraud, identity theft, and digital piracy.
- Establish cross-border cooperation to fight online criminal activity.
- Provide a framework for law enforcement agencies to investigate cyber-related crimes.

While its original focus was legitimate cybercrime enforcement, later provisions expanded into online speech regulation, particularly regarding:

- Online extremism and "harmful content."
- "Cyber harassment" and "illegal communications."

Some signatories have used the treaty to justify speech regulations, arguing that:

- Certain political speech, controversial opinions, or independent journalism can be classified as "digital harassment".
- Anonymous online speech can be targeted under cybersecurity laws.

While the U.S. applies the treaty mostly to combat cyber fraud, concerns remain that:

- Other countries can request the removal of digital content under Budapest provisions.
- The treaty may be expanded to include misinformation or AI-generated content, leading to further speech restrictions.

D. The Christchurch Call to Action (2019)

International Push to Curb "Extremist" Content Online

Following the 2019 Christchurch mass shooting in New Zealand, several governments and tech companies joined the Christchurch Call, a non-binding agreement aimed at:

- Removing terrorist and extremist content from online platforms.
- Encouraging social media platforms to proactively detect and delete harmful speech.
- Strengthening cooperation between governments and tech companies to combat radicalization online.

U.S. Participation but No Legal Obligations

The U.S. signed the Christchurch Call, but:

- Did not commit to any new legal speech restrictions.
- Stressed that free speech protections must be upheld in any effort to combat online extremism.

However, the Christchurch Call has been used as a basis for expanded online censorship, influencing:

- Tech companies' moderation policies, leading to stricter content bans.
- The EU's Digital Services Act (DSA), which mandates aggressive content takedowns.

The real impact of the Christchurch Call has been through private enforcement:

- YouTube, Facebook, and Twitter (X) increased their use of AI to flag "extremist content."
- Broad definitions of extremism have led to political and religious censorship on social media.
- Government pressure on tech companies has resulted in bans on independent journalists and controversial political figures.

Conclusion of Section III

While none of these international agreements legally override the First Amendment, their influence on digital speech governance is undeniable. These treaties:

1. Set global norms that pressure the U.S. to weaken its free speech protections.
2. Encourage corporations to adopt foreign-style censorship, bypassing U.S. law.
3. Expand AI-driven content moderation, affecting online expression worldwide.

As international AI governance continues to develop, there is growing concern that future agreements will further restrict digital speech, forcing the U.S. to defend its constitutional free speech principles against global regulatory pressure.

IV. The Growing Influence of Global Speech Norms on U.S. Tech

Although U.S. law protects free speech under the First Amendment, the reality of a globalized digital landscape means that American tech companies often operate under international rules that impose speech restrictions not present in U.S. law. Governments worldwide—particularly the European Union (EU), the United Nations (UN), and China—have developed stringent content regulations, and many U.S. tech companies have aligned their policies with these global standards rather than strictly adhering to First Amendment principles.

This section explores how multinational corporations, AI-driven content moderation, and soft censorship practices have collectively eroded the practical impact of U.S. free speech protections in the digital space.

A. The Role of Multinational Tech Companies

The largest online platforms—Google (YouTube), Meta (Facebook, Instagram), and Twitter (X)—are headquartered in the U.S. and initially operated under American free speech principles. However, due to their international business

interests, these companies have increasingly adjusted their content policies to align with foreign laws, particularly those in the European Union (EU).

How Platforms Like Google, Facebook, and Twitter Align with EU Censorship Laws

The European Union has far stricter content regulation laws than the U.S., particularly regarding:

- Hate speech laws criminalizing certain forms of offensive or controversial speech.
- Disinformation laws that require the removal of so-called "fake news."
- Right to be forgotten laws, which allow individuals to demand the deletion of information about them.

Since these platforms operate in the EU, they are required to comply with European law, often implementing moderation policies that exceed U.S. legal requirements. This results in:

1. Censorship practices designed for Europe being applied to U.S. users.
    - Even though the First Amendment protects certain types of speech, platforms often remove content globally to comply with EU rules.
2. Companies adopting automated moderation tools that reinforce foreign speech norms.
    - AI-driven algorithms flag and remove speech that would be legal in the U.S. but illegal in the EU.
3. U.S. platforms preemptively adopting stricter moderation to avoid international penalties.

For example:

- Facebook and YouTube comply with Germany’s hate speech laws, which require the removal of content deemed offensive under Germany’s Network Enforcement Act (NetzDG).
- Twitter has geo-blocked certain political content in France and the UK to comply with their disinformation laws.

- Google has removed search results globally due to EU “right to be forgotten” requests, meaning information remains accessible in the U.S. but not in Europe.

The Digital Services Act (DSA) and Its Effects on U.S.-Based Platforms

The Digital Services Act (DSA) is the EU’s most comprehensive online content regulation law, which came into effect in August 2024. It requires:

- Large tech platforms to proactively detect and remove “harmful content.”
- Companies to comply with EU-defined speech standards, even if content remains legal under U.S. law.
- Increased government oversight of content moderation practices.

Since the DSA applies to any company operating in the EU, U.S.-based tech platforms must comply—even if it means violating American free speech norms. This has forced major digital companies to preemptively remove or downrank content to avoid penalties, affecting users worldwide.

B. AI and Content Moderation: The New Battleground

Artificial intelligence (AI) is rapidly transforming content moderation, allowing companies to automatically detect, flag, and remove speech that violates global policies. However, AI-driven moderation systems are increasingly aligning with international speech norms, raising concerns that First Amendment protections will become functionally irrelevant in digital spaces.

Global Pressure to Enforce "Trustworthy AI" and "Safe Content"

Governments and international bodies have pushed for "trustworthy AI" initiatives that regulate how AI is used in online speech governance. These frameworks typically include:

- "Safety" mandates that require AI to remove "harmful" or "misleading" content.
- "Fairness and inclusivity" requirements that compel AI to promote certain narratives while suppressing others.

- "Ethical AI standards" that often reflect European or UN-style speech restrictions rather than U.S. First Amendment principles.

For instance:

- The European Union's AI Act (passed in August 2024) classifies certain types of AI-generated speech as "high-risk" and mandates stricter moderation.
- UN initiatives on AI ethics call for AI systems to be designed with bias protections, which in practice can mean censorship of politically controversial speech.
- China has already implemented AI laws requiring tech firms to ban politically sensitive content, and Western companies often comply to maintain market access.

The 60-Nation AI Agreement and Its Implications for Speech Control

At the 2025 Paris AI Summit, over 60 nations signed an agreement on AI governance, calling for:

- AI to be "safe, inclusive, transparent, and ethical."
- AI-generated content to be monitored for disinformation and bias.
- Tech firms to adopt international standards for responsible AI governance.

While the United States refused to sign, the agreement pressures global tech firms to conform. Since companies like Google, Facebook, and OpenAI operate worldwide, they will likely adopt these international AI norms—even if they contradict U.S. free speech protections.

This is a significant issue because:

1. AI-driven speech moderation will align with global standards, not the U.S. Constitution.
2. Tech companies will prioritize compliance with international regulators over American free speech principles.
3. AI will increasingly determine what speech is allowed online, reducing human oversight.

C. The "Soft Censorship" Problem

Even when governments do not legally mandate censorship, soft censorship occurs when companies self-regulate content due to political, financial, or social pressure. This is one of the most concerning developments in free speech regulation, as it allows powerful institutions to restrict speech without government intervention.

Even Without Legal Mandates, International Norms Influence Corporate Policy

- Companies preemptively remove content to avoid violating European hate speech laws.
- Advertisers pressure tech firms to demonetize or suppress content they deem controversial.
- Social media platforms enforce vague "community guidelines" to align with foreign regulations.

This results in:

- Deplatforming of individuals and groups who express dissenting political views.
- Suppression of independent journalism, particularly on topics deemed “sensitive.”
- Algorithmic filtering that downranks content against international policy guidelines.

The Risk of Indirect First Amendment Erosion Through Globalized Moderation Practices

Because private companies control the modern public square, they can implement speech restrictions that functionally bypass the First Amendment. If international regulatory pressures continue to escalate, we may see:

- Speech norms dictated by global organizations rather than U.S. law.
- AI-based censorship increasing, limiting human oversight in content moderation.

- An inability for U.S. users to express legally protected speech on digital platforms.

Conclusion of Section IV

The rise of global speech norms, AI-driven content moderation, and corporate self-regulation is creating an environment where First Amendment protections are functionally irrelevant in the digital world.

- Multinational tech companies comply with foreign censorship laws, affecting U.S. users.
- AI-based moderation systems are increasingly aligning with international speech restrictions.
- Soft censorship practices mean that even legal speech is often suppressed.

As global AI governance expands, the risk of digital speech control overriding U.S. constitutional rights becomes more pronounced. The U.S. may soon face a critical decision: defend free speech as a global principle or allow international governance frameworks to dictate the future of online expression.

V. Political Resistance and the Future of U.S. Free Speech

As global speech norms and AI-driven content moderation increasingly influence U.S. tech companies, political resistance has emerged to protect First Amendment principles from foreign regulatory encroachment. Some U.S. policymakers and legal experts view these global norms as a backdoor for censorship, arguing that speech restrictions justified under “safety,” “misinformation,” or “ethics” frameworks could erode America’s strong constitutional protections for free expression.

This section examines the political and legal efforts to resist international speech controls, as well as the broader geopolitical struggle over AI governance and digital speech policies.

A. JD Vance’s Opposition to the AI Agreement

Why the U.S. Refused to Sign the 60-Nation AI Accord

At the 2025 Paris AI Summit, over 60 nations, including China and the European Union, signed an international agreement calling for "safe, inclusive, and ethical AI." The agreement’s stated goals included:

- Promoting AI that is trustworthy and transparent.
- Preventing AI-driven "misinformation" and "harmful content".
- Ensuring AI respects human rights, gender equality, and consumer protections.

While these provisions may appear reasonable, U.S. Vice President JD Vance rejected the accord on the grounds that it:

1. Imposes vague and subjective "ethics" standards on AI, which could be used to justify censorship.
2. Gives international bodies indirect control over U.S. tech companies through global AI governance.
3. Pressures private corporations to enforce foreign speech norms, even if they contradict U.S. law.

By refusing to sign, Vance made it clear that the U.S. will not subordinate its free speech traditions to international regulatory frameworks. He criticized European and Chinese efforts to use AI regulations as a means of ideological control, warning that the agreement could stifle innovation and restrict open discourse.

Concerns Over Ideological Bias and Innovation Constraints

Vance’s opposition to the agreement is rooted in concerns that AI-driven content moderation will be weaponized for ideological bias. He argued that:

- Foreign AI policies often equate controversial speech with harmful content.
- Regulatory overreach would slow U.S. AI development, giving China a competitive advantage.

- AI models trained under global norms would be biased toward suppressing politically incorrect or dissenting views.

By rejecting the agreement, the U.S. signaled that it will prioritize free speech and innovation over regulatory conformity, even if this isolates American tech companies from international markets.

B. Legal and Legislative Safeguards

The Role of U.S. Courts in Upholding Free Speech

While international agreements and corporate policies increasingly shape online speech, the U.S. judicial system remains a powerful defender of First Amendment rights. In recent years, American courts have repeatedly ruled against excessive content moderation policies when they appear to violate constitutional protections.

Some key legal decisions include:

- NetChoice v. Paxton (2023): Courts ruled that social media platforms could be treated as public forums, limiting their ability to engage in viewpoint discrimination.
- Elon Musk's "Twitter Files" Revelations (2022-2023): Legal scrutiny increased over government collusion with tech companies to censor certain viewpoints.
- Missouri v. Biden (2024): Courts blocked federal agencies from pressuring social media platforms to suppress lawful speech.

These rulings suggest that if international AI governance efforts indirectly lead to censorship, they could face constitutional challenges in U.S. courts.

Proposed Legislation to Protect U.S. Companies from Foreign Speech Mandates

Recognizing the growing threat of foreign speech restrictions affecting U.S. tech platforms, lawmakers have introduced bills designed to shield American companies from global censorship pressures. Some notable legislative efforts include:

1. The Free Speech Protection Act (Proposed 2025)
    - Would prevent U.S. tech firms from complying with foreign censorship laws that violate the First Amendment.
    - Would allow legal recourse for U.S. users whose speech is suppressed under international regulatory pressure.
2. The AI Fairness and Transparency Act (Proposed 2024)
    - Seeks to prevent AI-driven content moderation systems from engaging in ideological bias.
    - Requires full disclosure of content moderation algorithms to ensure fairness.
3. The Digital Sovereignty Act (Proposed 2023)
    - Prevents foreign governments from forcing U.S. companies to remove content globally.
    - Blocks international AI ethics boards from influencing American digital governance.

These legislative efforts demonstrate a growing recognition that international speech norms pose a risk to U.S. free expression, and that Congress may need to intervene to protect American digital spaces.

C. The Geopolitical Divide in AI and Speech Governance

The future of free speech in the digital age is increasingly shaped by a global battle between competing AI governance models.

The Western vs. Chinese AI Governance Models

Currently, two dominant AI governance approaches have emerged:

1. The European Union (Regulation-Based Model)
    - The EU's Digital Services Act (DSA) and AI Act impose strict content moderation, hate speech bans, and misinformation controls.

    - These regulations effectively force tech companies to act as censors.
    - AI is required to align with "ethical" and "inclusive" norms, often at the expense of free expression.
2. China (Authoritarian AI Control Model)
    - China has developed one of the world's most advanced AI censorship infrastructures.
    - AI is used to monitor, manipulate, and suppress dissent.
    - AI-driven speech controls favor state propaganda and ideological conformity.

In contrast, the United States has historically favored a free-market approach to AI development, prioritizing innovation and speech protections over government intervention. However, as international regulatory pressures mount, the U.S. faces a choice:

- Resist foreign governance models and defend the First Amendment, risking isolation from global AI markets.
- Compromise on speech protections to align with international norms, risking digital censorship and ideological control.

Future Conflicts Between U.S. Free Speech Principles and Global Regulatory Trends

As AI technology advances, conflicts over speech governance are likely to intensify. Key areas of concern include:

- Misinformation Laws: Will global AI regulations force U.S. companies to comply with European-style content moderation?
- AI Censorship Standards: Will AI-generated speech be restricted based on vague "ethics" criteria that undermine open discourse?
- National Security vs. Free Speech: Will AI tools be used to suppress speech under the guise of combating disinformation?

Ultimately, the U.S. may need to take decisive action to ensure that its constitutional speech protections remain intact in the age of AI-driven governance.

Conclusion of Section V

As global speech norms increasingly shape AI-driven content moderation, the U.S. must decide whether to resist or adapt to international regulatory trends. JD Vance's rejection of the 60-nation AI agreement reflects a broader effort to safeguard U.S. free speech protections from foreign overreach.

- Legal and legislative safeguards are emerging to protect U.S. companies from compliance with international censorship laws.
- The geopolitical divide between the U.S., Europe, and China will shape the future of AI governance.
- AI-driven content moderation remains the next major battleground for free speech.

The central question for the future is whether the First Amendment can withstand the pressures of global digital governance, or whether foreign speech norms will erode America's historically strong commitment to free expression.

VI. Conclusion

Recap of How International Agreements Shape U.S. Speech Norms

Throughout this analysis, we have explored how international agreements and global speech norms have increasingly influenced U.S. tech policy and digital governance, despite the strong constitutional protections for free expression provided by the First Amendment.

While the United States has historically resisted foreign restrictions on speech, the rise of multinational tech corporations, AI-driven content moderation, and global regulatory pressure has created an environment where international norms are indirectly shaping digital discourse within U.S. borders.

Key takeaways include:

- United Nations treaties like ICCPR and CERD have established international expectations for speech regulation, including restrictions on hate speech, misinformation, and public order protections.
- The EU's Digital Services Act (DSA) and AI Act have forced U.S. tech companies to adopt stricter content moderation policies that often go beyond what the First Amendment allows.
- Multinational tech giants like Google, Facebook, and Twitter have increasingly aligned their policies with European-style restrictions rather than maintaining a commitment to U.S. free speech principles.
- AI-driven content moderation is becoming the dominant method of enforcing speech controls, allowing companies and governments to remove, downrank, or flag content that violates international norms—even if that content is legal in the United States.
- Soft censorship by corporations—in response to global regulatory pressures—has resulted in the suppression of lawful speech without direct government intervention, effectively sidestepping First Amendment protections.

The rejection of the 60-nation AI agreement by JD Vance and the U.S. government was a strong political statement against this creeping international influence over digital speech governance. However, political resistance alone may not be enough to preserve American free speech traditions in an era of globalized AI governance.

The Need to Safeguard First Amendment Protections Against Global Regulatory Creep

As global speech norms continue to evolve, the United States faces a critical challenge:

- How can it maintain free speech protections in the digital age, when global regulatory bodies, corporate policies, and AI-driven moderation systems are increasingly dictated by foreign legal standards?

- How can U.S. tech companies balance international market access with a commitment to First Amendment principles?
- What legal, legislative, and technological measures must be taken to prevent foreign speech restrictions from becoming de facto rules for American digital spaces?

Potential solutions include:

- Legislative Protections for U.S. Speech Rights
    - Laws such as the Free Speech Protection Act and the AI Fairness and Transparency Act could prevent U.S. companies from enforcing foreign speech mandates.
    - Federal regulations could require that American users of digital platforms be governed by U.S. free speech laws, not international content standards.
- Judicial Reinforcement of Free Speech Principles
    - The U.S. Supreme Court could further clarify the limits of corporate censorship and prevent government collusion with tech firms to suppress speech under the guise of combating disinformation.
- AI Transparency and Free Speech Safeguards
    - AI-driven content moderation should be transparent, accountable, and subject to human oversight, ensuring that speech restrictions are not dictated by opaque international governance frameworks.
    - Alternative AI models could be developed that prioritize free expression and avoid ideological bias.

If these safeguards are not implemented, international regulatory creep could erode the First Amendment's real-world effectiveness, creating a situation where free speech exists legally but is functionally suppressed by globalized digital governance.

Final Thoughts on the Balance Between AI Governance and Free Expression

The emergence of AI-driven content moderation, misinformation laws, and digital governance frameworks represents one of the greatest free speech challenges of the 21st century. While governments have a legitimate interest in regulating AI responsibly, there is a fine line between protecting society and enforcing ideological conformity through speech control.

The future of free expression in the digital age will depend on how AI is trained, how content is moderated, and how international agreements shape corporate speech policies.

Three possible futures emerge from this ongoing debate:

1. A Fully Regulated Global Speech Environment
    - If international speech governance dominates AI development, speech may become uniformly restricted worldwide, with AI enforcing global speech standards that suppress controversial but lawful discourse.
2. A Fractured Digital Landscape
    - Nations may develop separate, competing AI governance models, creating "Western AI" (focused on safety and inclusivity), "Chinese AI" (focused on control and surveillance), and "American AI" (prioritizing free expression).
    - This could lead to fragmented digital spaces, where users in different countries experience vastly different internet realities.
3. A Reaffirmation of Free Speech and Innovation
    - If the U.S. successfully resists foreign regulatory pressure, it could emerge as a global leader in AI governance that prioritizes freedom, transparency, and open discourse.
    - American companies could develop AI tools that enhance—not restrict—public debate, reinforcing constitutional speech protections in the digital sphere.

The path America chooses will determine the role of free speech in the AI-driven world. If global regulatory frameworks continue to pressure U.S. companies into compliance with foreign norms, the First Amendment's protections may be rendered meaningless in practice. However, if American lawmakers, courts, and corporations stand firm against international overreach, the tradition of free expression could be preserved—even in the digital era.

As AI becomes the primary gatekeeper of speech, it is crucial to remember that technological innovation should serve human liberty, not restrict it. The challenge ahead is ensuring that AI is a tool for human progress—not a mechanism for global censorship.

References

Legal and Constitutional Sources

- U.S. Constitution, First Amendment (1791).
- Brandenburg v. Ohio, 395 U.S. 444 (1969).
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964).
- Texas v. Johnson, 491 U.S. 397 (1989).
- NetChoice v. Paxton, 49 F.4th 439 (5th Cir. 2023).
- Missouri v. Biden, No. 3:22-CV-01213 (W.D. La. 2024).

International Agreements and Treaties

- United Nations. (1966). *International Covenant on Civil and Political Rights (ICCPR).* Retrieved from https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
- United Nations. (1965). *Convention on the Elimination of All Forms of Racial Discrimination (CERD).* Retrieved from https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx.
- Council of Europe. (2001). *Convention on Cybercrime (Budapest Convention).* Retrieved from https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185.
- Government of New Zealand & France. (2019). *Christchurch Call to Action.* Retrieved from https://www.christchurchcall.com/.

European Union Regulations and Policies

- European Commission. (2024). *The Digital Services Act (DSA).* Retrieved from https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package.
- European Commission. (2024). *EU AI Act: The World's First Comprehensive AI Regulation.* Retrieved from https://artificialintelligenceact.eu/.

- German Criminal Code (Strafgesetzbuch - StGB). (2017). *Section 130: Hate Speech Laws.* Retrieved from https://www.gesetze-im-internet.de/englisch_stgb/.

U.S. Legislation and Policy Proposals

- U.S. Congress. (2025). *The Free Speech Protection Act (Proposed).*
- U.S. Congress. (2024). *The AI Fairness and Transparency Act (Proposed).*
- U.S. Congress. (2023). *The Digital Sovereignty Act (Proposed).*

Reports and Analyses on AI Governance and Content Moderation

- World Economic Forum. (2023). *Governing AI: Ethical Principles and Global Policies.* Retrieved from https://www.weforum.org/agenda/2023/ai-ethics-governance/.
- Stanford University – Center for Internet and Society. (2024). *AI and Free Speech: Emerging Challenges in Content Moderation.*
- Electronic Frontier Foundation (EFF). (2023). *The Risks of AI-Driven Censorship in the Digital Age.* Retrieved from https://www.eff.org/.
- Brookings Institution. (2024). *The Global AI Regulatory Landscape: Implications for the United States.* Retrieved from https://www.brookings.edu/.
- Reclaim the Net. (2025). *JD Vance Draws a Line on AI Rules at Paris Summit, Defends Free Speech and US Tech.*

Media and Industry Perspectives

- The New York Times. (2024). *AI Regulations: Europe's New Laws and Their Global Impact.*
- The Wall Street Journal. (2024). *How the Digital Services Act Affects U.S. Tech Giants.*
- Reuters. (2024). *China Tightens AI Regulations Amid Growing Global Concerns.*

- TechCrunch. (2024). *Inside the 60-Nation AI Agreement: What It Means for Big Tech.*

Academic Papers and Books

- Balkin, J. (2023). *The Future of Free Speech in the Age of AI.* Oxford University Press.
- Zittrain, J. (2024). *The Digital Public Square: How AI is Redefining Free Speech.* Harvard Law Review.
- Gillespie, T. (2024). *Platform Governance and the Rise of AI Moderation Systems.* MIT Press.

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